

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 2037 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 alcoholic beverage permits.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 7.1-3-3-4, AS AMENDED BY P.L.205-1999,
- 7 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2002]: Sec. 4. (a) The premises to be used as a warehouse by
- 9 an applicant **for a beer wholesaler's permit** shall be described in the
- 10 application for the permit. The commission shall not issue a beer
- 11 wholesaler's permit to an applicant for any other warehouse or premises
- 12 than that described in the application. **Except as provided in**
- 13 **subsection (b),** the commission shall issue only one (1) beer
- 14 wholesaler's permit to an applicant, ~~but~~ **and** a permittee may be
- 15 permitted to transfer ~~his~~ **its** warehouse to another location within the
- 16 county **for which a permit is granted** upon application to, and
- 17 approval of, the commission **and the beer wholesaler's primary**
- 18 **sources of supply. However, the commission may consider an**
- 19 **application from a beer wholesaler permittee to acquire an**
- 20 **additional beer wholesaler permit by transfer from another active**
- 21 **beer wholesaler permittee if the beer wholesaler's primary sources**
- 22 **of supply approve the transfer.**
- 23 (b) As used in this subsection, "immediate relative" means the
- 24 father, the mother, a brother, a sister, a son, or a daughter of a
- 25 wholesaler permittee. Notwithstanding subsection (a), the commission,
- 26 upon the death or legally adjudged mental incapacitation of a
- 27 wholesaler permittee, may allow the transfer of the wholesaler permit
- 28 only to an immediate relative of the wholesaler permittee who
- 29 concurrently holds a majority share in a valid wholesaler permit."
- 30 Page 3, after line 21, begin a new paragraph and insert:
- 31 "SECTION 6. IC 7.1-5-9-4 IS AMENDED TO READ AS FOLLOWS
- 32 [EFFECTIVE JULY 1, 2002]: Sec. 4. **Except as provided in IC 7.1-3-**

1 **3-4**, an applicant for a beer wholesaler's permit shall have no interest
2 in the following:
3 (1) A permit to manufacture or to sell at retail alcoholic beverages
4 of any kind.
5 (2) Any other permit to wholesale alcoholic beverages.
6 (3) Through stock ownership or otherwise, ~~in~~ a partnership, limited
7 liability company, or corporation that holds:
8 (A) a permit to manufacture or to sell at retail alcoholic beverages
9 of any kind; or
10 (B) any other permit to wholesale alcoholic beverages of any
11 kind."
12 Renumber all SECTIONS consecutively.
 (Reference is to EHB 2037 as printed April 6, 2001.)

Senator CLARK